

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA, *et al.*,

Plaintiffs,

v.

PETER FRANCHOT,

Defendant.

No. 1:21-cv-410-DKC

**CONSENT MOTION UNDER RULE 58(d) FOR
ENTRY OF FINAL JUDGMENT IN A SEPARATE DOCUMENT**

Pursuant to Rule 58(d), plaintiffs respectfully request that the clerk “promptly prepare, sign, and enter” a final judgment “set out in a separate document,” as required by Rule 58(b)(1), so as to permit the filing of a notice of appeal. A proposed form of judgment is attached hereto. In support of this request, plaintiffs state as follows:

1. On April 30, 2021, plaintiffs filed an amended complaint alleging four claims. Dkt. 25. Defendant moved to dismiss each claim (Dkt. 29), and plaintiffs cross-moved for summary judgment (Dkt. 31).

2. On March 4, 2022, the Court entered an order dismissing Counts I, II, and III of the amended complaint. Dkt. 66. The dismissal was for lack of federal-court jurisdiction and, thus, without prejudice. *Id.*

3. Plaintiffs’ fourth claim proceeded to further briefing. *See* Dkt. 66 at 16-17. On December 2, 2022, the Court entered an order dismissing Count IV. Dkt. 98. The dismissal was on mootness grounds and, thus, without prejudice. *Id.*

4. The Court's orders of March 4, 2022, and December 2, 2022, have adjudicated all the claims of all the parties and, together, finally "denie[d] all relief." Fed. R. Civ. P. 54(b)(1)(C). Accordingly, "the clerk must, without awaiting the court's direction, promptly prepare, sign, and enter [a final] judgment" that is "set out in a separate document" so as to permit the filing of a notice of appeal. Fed. R. Civ. P. 54(a), (b)(1).

5. Counsel for the defendant has indicated that the defendant consents to the relief requested.

WHEREFORE, the clerk should enter a final judgment set out in a separate document. *See* Fed. R. Civ. 58(a).

Dated: December 7, 2022

Respectfully submitted,

/s/ Michael B. Kimberly

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